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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,875	06/30/2000	Stephen J. Tolopka	042390.P6656	9982

7590 09/04/2003
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard Seventh Floor
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EXAMINER

NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 09/04/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607,875

Applicant(s)

TOLOPKA, STEPHEN J.

Examiner

Hoang-Vu A Nguyen-Ba

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the amendment filed June 24, 2003.
2. Per Applicant's request, claims 1, 4, 7, 10 and 17 have been amended. Claims 1-20 remain pending.
3. In view of Applicant's amendments to claims 1 and 14, the objection to these claims because of the identified informalities is hereby withdrawn.
4. In view of Applicant's amendments to claims 1, 4, 7, 16, 17 and 18 to provide proper antecedent basis to the identified terms, the rejection of these claims under 35 U.S.C. § 112, second paragraph is hereby withdrawn.

Response to Argument(s)

5. Applicant's arguments filed June 24, 2003 have been fully considered but they are not persuasive. The rejection of claims 1-5, 7-11, 13-18 and 20 under 35 U.S.C. § 102(e) as being anticipated by Eide and the rejection of claims 6, 12 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Eide in view of Internet Engineering Task Force are herein maintained and reproduced hereinafter for Applicant's inconvenience. Following is the examiner's response to Applicant's arguments.

With respect to claim 1, Applicant has argued the following:

Eide does not in any way disclose a mapping table, only a resource data structure that stores information for the individual device and its resource. Thus, the essential functional purpose of the presently claimed invention's mapping table and Eide's resource data structure are fundamentally different. Eide's resource data structure does not consist of a table that maps unique device identifiers to their respective driver addresses, as does the presently claimed invention. Thus, because Eide does not teach the presently claimed invention. Applicant respectfully submits that Eide does not anticipate claim 1.

In response, the examiner notes the following:

the essential functional purpose of the presently claimed invention's mapping table and Eide's resource data structure are not fundamentally different because both are purported to automatically map device identifiers with their respective addresses to reduce user's intervention when device drivers are installed/updated. As can be seen in Eide, at least in Figure 2 and related discussion in the specification, any device installed on the system is being uniquely identified by a Device ID (i.e., present invention's device identifier) and is automatically associated (i.e., present's invention's mapped) with a Location ID (i.e., device driver addresses);

the presently claimed invention's table is equated to a data structure such as the one taught by Eide in Figure 2 and related discussion in the specification;

the presently claimed invention's device driver is equated to Eide's device resource as defined in Eide at 2:18-26.

Thus, claim 1 is anticipated by Eide.

With respect to claims 2-5, Applicant has argued that Eide does not anticipate these claims for at least the same reasons advanced with respect to claim 1. In response, the examiner notes that since claims 2-5 depend from claim 1, the same reasoning discussed in conjunction with claim 1 also applies to these claims.

With respect to claims 7 and 14, Applicant has argued that Eide does not anticipate these claims for at least the same reasons advanced with respect to claim 1. In response, the examiner notes that since claims 7 and 14 recite the same features of claim 1, the same reasoning discussed in conjunction with claim 1 also applies to these claims.

With respect to claims 8-11 and 13, Applicant has argued that Eide does not anticipate these claims for at least the same reasons advanced with respect to claim 7. In response, the examiner notes that since claims 8-11 and 13 depend from claim 7, the same reasoning discussed in conjunction with claim 7 also applies to these claims.

With respect to claims 15-18 and 20, Applicant has argued that Eide does not anticipate these claims for at least the same reasons advanced with respect to claim 14. In response, the examiner notes that since claims 15-18 and 20 depend from claim 14, the same reasoning discussed in conjunction with claim 14 also applies to these claims.

With respect to claims 6, 12 and 19, Applicant has argued the following:

For the same reasons set forth above in regard to Eide in view of the response to the 35 U.S.C § 102 rejection, Applicant asserts that the cited references fail to teach, suggest, or render obvious Applicant's invention as claimed in claims 6, 12, and 19.

Claim 6 is dependent upon independent claim 1. Thus, for at least the same reasons advanced above with respect to independent claim 1, Applicant respectfully submits that Eide and Task Force, taken alone or in combination, do not render this dependent claim obvious.

Claim 12 is dependent upon independent claim 7. Thus, for at least the same reasons advanced above with respect to independent claim 7, Applicant respectfully submits that Eide and Task Force, taken alone or in combination, do not render this dependent claim obvious.

Claim 19 is dependent upon independent claim 14. Thus, for at least the same reasons advanced above with respect to independent claim 14, Applicant respectfully submits that Eide and Task Force, taken alone or in combination, do not render this dependent claim obvious.

Thus, Eide and Task Force do not teach, suggest, or render obvious Applicant's invention as claimed in pending claims 6, 12, and 19. Applicant respectfully requests withdrawal of the 35 U.S.C. 103(a) rejection of claims 6, 12, and 19.

In response, the examiner notes that Applicant has not discussed why the features recited in these claims are not rendered obvious by the combination of Eide and Task Force. Instead, Applicant only submitted that just because of their dependency from claims 1, 7 and 14, respectively, claims 6, 12 and 19 are not obvious over the Eide-Task Force combination. As a result, it is noted that the same reasoning discussed in conjunction with claims 1, 7 and 14 is also deemed to apply to these claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5, 7-11, 13-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,243,774 B1 to Eide et al. (“Eide”).

Claims 1, 7 and 14

Eide discloses at least:

identifying a device by a unique identifier (see at least Figure 2, items 40, 42; Figure 5; and related discussion in the specification);

obtaining the unique identifier (see at least Figure 2, items 40, 42; Figure 5; and related discussion in the specification); *and*

using the unique identifier in conjunction with a mapping table, wherein the mapping table contains at least a column containing unique identifiers of devices coupled to a column containing addresses of drivers for those devices, to obtain an address of a driver for the device (see at least Figure 2, items 40, 44; Figure 5; and related discussion in the specification).

Claims 2, 8 and 15

Eide further discloses that *wherein program instructions obtain the unique identifier* (see at least 7:58 – 8:30).

Claims 3, 9 and 16

Eide further discloses *wherein the driver is obtained from a storage device* (see at least 8:56 - 9:52).

Claims 4, 10 and 17

Eide further discloses *wherein the mapping table also contains one or more columns that include additional information about the device, the device driver, or the device and the device driver* (see at least Figure 2, item 40, i.e., resource data structure, and related discussion in the specification).

Claims 5, 11 and 18

Eide further discloses *wherein the mapping table address is obtained from the device* (see at least 8:56 - 9:52).

Claims 13 and 20

Eide further discloses that the *unique identifier is represented by one of a manufacturer, a device class, a model number and a subnumber* (see at least 8:56 - 9:52).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Internet Engineering Task Force ("Task Force"), Simple Service Discovery Protocol/1.0, Operating without an Arbiter, October 29, 1999.

Claims 6, 12 and 19

Eide does not specifically disclose *wherein the mapping table address is obtained by using a service discovery protocol*. However, Task Force discloses a mechanism to allow HTTP clients and Http resources to discover each other in local area network (see at least 2.1 Problem Statement) so that any clients who come on-line after the service came on-line will discover the desired service by sending out a discovery request, thereby making the mechanism more efficient (see at least 2.3.1.3).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the Simple Service Discovery Protocol in combination with Eide because the feature would make Eide's concurrent maintenance operations more efficient.

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Antony Nguyen-Ba, whose telephone number is (703) 305-0103. The examiner can normally be reached on Tuesday - Friday from 6:15 – 3:45 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam, can be reached at (703) 305-4552.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Fax Numbers:

After Final Amendment	(703) 746-7238
Official	(703) 746-7239
Customer Service	(703) 746-7240
Examiner's Assigned Fax Number	(703) 746-5426



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PRIMARY EXAMINER
Art Unit 2122